

ORDINANCE NO. 28439

**AN ORDINANCE OF THE CITY OF SAN JOSÉ
AMENDING SECTION 6.64.250 OF CHAPTER 6.64 OF
TITLE 6 OF THE SAN JOSÉ MUNICIPAL CODE TO ADD
AUTHORIZATION FOR THE DIRECTOR OF THE
DEPARTMENT OF TRANSPORTATION TO ESTABLISH
AND ADJUST TAXI RATES AND FARES THAT TAXICAB
OWNERS AND DRIVERS CAN CHARGE THE PUBLIC**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ :

Section 6.64.250 of Chapter 6.64 of Title 6 of the San José Municipal Code is amended to read as follows:

6.64.250 Fares

- A. No owner or driver shall charge or receive any rates or fares for the use of a taxicab other than those established by resolution of the City Council or by the Director of the Department of Transportation ("Director of Transportation") as set forth in subsection B below. Such charges shall be applicable to all portions of the passenger's travel, within or without the City of San José. Bona fide tips are not prohibited by this Section.
- B. Rates and fares for the use of taxicabs licensed under this Chapter shall be determined and fixed by the City Council by resolution after a public hearing; or, by the Director of Transportation in a schedule of rates and fares adopted by the Director of Transportation as follows:
 - 1. Any proposed adjustments to existing rates or fares and any proposed new rates or fares shall be coordinated by the Director of Transportation with the Chief of Police and the Director of Aviation; shall be based on industry indicators, including: the Consumer Price Index for All Urban

Consumers for Transportation and All Items for San Francisco-Oakland-San José , CA; extraordinary and ongoing increases or decreases in major taxi industry-related expense categories, such as the cost of fuel and insurance; and locally, regionally and nationally comparable rates and fares; and shall be reasonably necessary to allow taxicab owners and drivers to recoup operation costs and make a reasonable profit while protecting the consumer from being subjected to exorbitant rates and fares.

2. Any proposed rates or fares shall be posted on the City Clerk's website and made available for inspection and copying by the public at the Office of the City Clerk during normal business hours.
3. A copy of any proposed rates and fares shall also be mailed to each holder of a license issued under this Chapter.
4. A thirty (30) day public comment period to receive comments on the proposed rates and fees shall commence on the date the notice of the proposed rates and fares is sent to those licensed under this Chapter. During the comment period, any person may submit written comments regarding the proposed rates or fares to the Director of Transportation.
5. After the close of the public comment period, the Director of Transportation shall consider all the public comments on the proposed rates and fares.
6. After the Director of Transportation has considered all public comments, the Director of Transportation shall approve the final rates and fares.
7. The rates and fares approved by the Director of Transportation shall be contained in a schedule of taxicab rates and fares which shall become

final on the date notice of the schedule of taxicab rates and fares is sent to those licensed under this Chapter and the schedule of taxicab rates and fares is posted on the City Clerk's website.

8. The notice of the schedule of taxicab rates and fares shall be accompanied by a brief written statement from the Director of Transportation that summarizes the written comments received from the public on the proposed rates and fares; explains why the comments were accepted, rejected, or modified by the Director of Transportation; and, explains how the new rates and fares or adjustments in existing rates and fares meet the requirements set forth in Section 6.64.250(B)(1).
- C. Once a schedule of taxicab rates and fares is established by the Director of Transportation, it shall supersede any prior rate or fare, or any portion thereof, previously adopted by City Council resolution or pursuant to this Chapter.
 - D. Once a schedule of taxicab rates and fares is established, the Director of Transportation shall review the schedule of taxicab rates and fares on a biennial basis to ensure the rates and fares are keeping with industry standards as evidenced by those industry indicators set forth in Section 6.64.250(B)(1).
 - E. Once a schedule of taxicab rates and fares is established, the Director of Transportation may, adjust the schedule of taxicab rates and fares on a more frequent basis by following the process outlined in Section 6.64.250(B).

PASSED FOR PUBLICATION of title this 28th day of October, 2008, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO,
NGUYEN, PYLE, WILLIAMS; REED.

NOES: OLIVERIO.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk